

00-0-0681

City Council
Atlanta, Georgia

SUBSTITUTE ORDINANCE
BY: ZONING COMMITTEE

Z-00-30
2-5-01

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended and the maps established in connection therewith be changed so that the following property located at 613 (aka 615) Bonaventure Avenue, NE be changed from the RG-1 (Residential General-Sector 1) District, to the R-4B-C (Single Family Residential-Conditional) District, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lots 17 of the 14th District, Fulton County, Georgia being more particularly described by the attached legal description.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development," as identified by the use of the suffix "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any zoning district regulations. District regulations variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That all maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

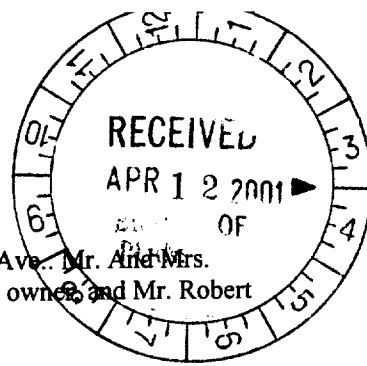
SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

CONDITIONS FOR Z-00-30

1. Site Plan entitled "Proposed Site Plan, 615 Bonaventure Avenue, Atlanta for Azalea Builders" prepared by Robert J. Denson, Registered Architect, dated March 30, 2001 and marked received by the Bureau of Planning April 2, 2001.
2. The attached document marked "Exhibit AA" dated April 12, 2001, and marked received by the Bureau of Planning April 12, 2001, signed by Mr. & Mrs. Morrison and Mr. David Dinzole, is hereby considered a condition of this rezoning and its provisions shall be enforced as such.

Agreement, dated 4/12/01

Exhibit AA
Z-00-30



This document shall serve as legal and binding agreement between the owners of 619 Bonaventure Ave.: Mr. and Mrs. Morrison and the developers of 613 Bonaventure Ave.: Mr. David Dinzole of Azalea Builders, Inc., owner and Mr. Robert Denson of Denson and Associates, architect.

Mr. and Mrs. Morrison and Mr. Dinzole have agreed that the driveway between the two properties, which has been shared since their original construction, shall continue to be shared and that Mr. Dinzole shall have the right to reconstruct the driveway to suit his plans contingent on the following conditions:

1. The grade of the presently existing driveway shall not be changed.
2. An arborist shall be contracted by Mr. and Mrs. Morrison, at the expense of Azalea Builders, Inc., to evaluate the impact of the reconstruction of the driveway
3. Measures to protect the trees, outlined by the arborist, shall be adhered to by Azalea Builders, Inc. which may include :
 - a.) Permeable driveway surface for water absorption.
 - b.) Trimming the tops of the trees.
 - c.) Pruning some of the roots.
 - d.) Altering the drive slightly around the base of a tree if necessary.
 - e.) Fertilizing treatment to minimize shock due to construction.
4. Azalea Builders, Inc. shall be responsible for the removal of any tree along the driveway in the event of deterioration of health due to the new construction.
5. The construction of a parking pad in the backyard of 619 Bonaventure Ave. to be constructed of material specified by the Morrisons and having dimensions which will allow a turnaround of a standard vehicle.
6. A gate, specified by the Morrisons, shall be installed at the end of the driveway by Azalea Builders, Inc.

In view of the loss of privacy and other valuable qualities due to the construction of two homes on a lot designed for one, these additional provisions are requested by Mr. and Mrs. Morrison:

7. Air conditioning units shall be placed in a location which does not subject the occupants of 619 Bonaventure to objectionable noise pollution. Objectionable areas include anywhere along the north side of the proposed structures as well as the area between the garages.
8. Efforts shall be made to enhance the appearance of the new structures on the north side of the new buildings. In addition to landscaping the green areas on the north side of structures, garage doors on the new buildings shall be aesthetically pleasing and in keeping with the period style (victorian, craftsman.)
9. No obstructions to the view between the garages to North Ave. shall be made (ie. a privacy fence,) and the space between the garages shall be minimum of 6 feet.

By signing this agreement Mr. Dinzole agrees to adhere to the conditions set forth in this document and any breach of these conditions constitutes a change of the plans submitted to the ZRB on the date of April 12, 2001.

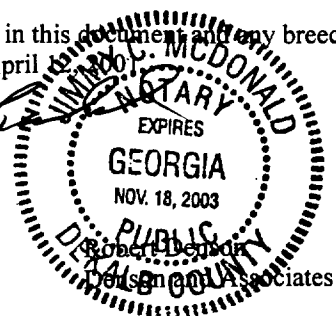
Signed:

Date:

4-12-01

Mr. and Mrs. Morrison
619 Bonaventure Ave.

Mr. David Dinzole
Azalea Builders, Inc.



William C. Morrison
Robert Denson
David Dinzole
Robert Denson

EXHIBIT "A"

All that certain tract of land, situate, lying and being in Land Lot 17 of the 14th Land District of Fulton County, State of Georgia, and being more particularly described as follows:

BEGINNING at the northeast corner of North Avenue and Bonaventure Avenue; running thence north along the east side of Bonaventure Avenue fifty (50) feet; thence east one hundred seventy-five (175) feet; thence south fifty (50) feet to North Avenue; and thence west along the north side of North Avenue, one hundred seventy-five (175) feet to the point of beginning; being property known as No. 613 (formerly No. 23) Bonaventure Avenue, N.E., according to the present system of naming streets and numbering houses in the City of Atlanta, Georgia.

The above being the same property conveyed to the State Highway Department on December 30, 1970 by deed recorded in Deed Book 5327, page 664 in the Fulton County Deed records.

2-00-30

00-0-0681

City Council
Atlanta, Georgia

Substitute Ordinance
BY: ZONING COMMITTEE

Z-00-30
8-10-00

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended and the maps established in connection therewith be changed so that the following property located at **613 (aka 615) Bonaventure Avenue, N.E.** be changed from the **RG-1 (Residential General-Sector 1)** District, to the **RG-2-C (Residential General-Sector 2-Conditional)** District, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot **17** of the **14th** District, Fulton County, Georgia, being more particularly described by the attached legal description.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development," as identified by the use of the suffix "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the conditions hereby approved (including any conditional site plan) do not authorize the violation of any zoning district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

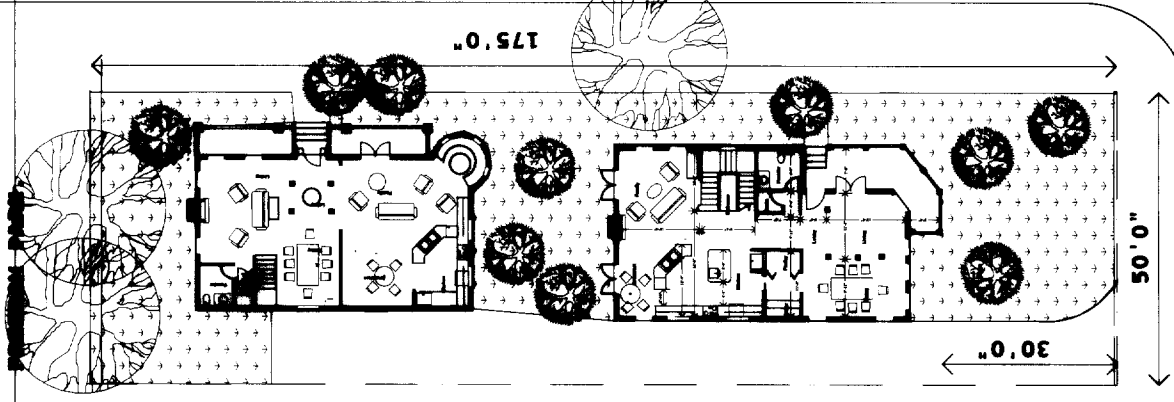
SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

Conditions for Z-00-30

1. The site plan, entitled "Proposed Site Plan: New Townhouses, Bonaventure Avenue, Atlanta, GA 30308", prepared by Denson and Associates, Architects, dated June 2000; and marked received by the Bureau of Planning June 20, 2000.
2. Compliance with Section 16-28.008(9)(a) of the Zoning Ordinance regarding visibility at the southwest corner of the site.
3. Maintenance of the existing large tree on the south side of the property and the two existing large trees on the east side of the property.

Z-00-30
Revised Site Plan



LUI Calculations

Req. Actual Gross

SITE	RG 1	RG 2	22,050
FAR	.348	.340	7,500 net
TOSR	.73	.869	
UOSR	.45	.48	
Parking	1.3	2.0	

FAR Calculation;

50x175;(Site) ; 50x20;(Bonaventure MoW) ; 50x50;(Park)175x40 (North MoW)

2 townhomes @ 3750 sq ft / 35'0" to ridge



Existing



Proposed

Scale 1"=10'0"

BONAVENTURE AVE.

NEW TOWNHOUSES
BONAVENTURE AVE.
ATLANTA GA. 30308

PROPOSED SITE PLAN

00/03
S1
JUNE 00



Denson & Assoc.
Architects
1121 Deann View Lane
Atlanta, Georgia 30327
(404) 355-8335 Fax (404) 355-0915



Z-00-30

EXHIBIT "A"

All that certain tract of land, situate, lying and being in Land Lot 17 of the 14th Land District of Fulton County, State of Georgia, and being more particularly described as follows:

BEGINNING at the northeast corner of North Avenue and Bonaventure Avenue; running thence north along the east side of Bonaventure Avenue fifty (50) feet; thence east one hundred seventy-five (175) feet; thence south fifty (50) feet to North Avenue; and thence west along the north side of North Avenue, one hundred seventy-five (175) feet to the point of beginning; being property known as No. 613 (formerly No. 23) Bonaventure Avenue, N.E., according to the present system of naming streets and numbering houses in the City of Atlanta, Georgia.

The above being the same property conveyed to the State Highway Department on December 30, 1970 by deed recorded in Deed Book 5327, page 664 in the Fulton County Deed records.

2-00-30

City Council
Atlanta, Georgia

00-0-0681

AN ORDINANCE
BY: ZONING COMMITTEE

Z-00-30
4-10-00

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended and the maps established in connection therewith be changed so that the following property located at **613 (aka 615) Bonaventure Avenue, N.E.** be changed from the **RG-1 (Residential General-Sector 1)** District, to the **RG-2 (Residential General-Sector 2)** District, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot **17** of the **14th** District, Fulton County, Georgia, being more particularly described by the attached legal description.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development," as identified by the use of the suffix "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any zoning district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

EXHIBIT "A"

All that certain tract of land, situate, lying and being in Land Lot 17 of the 14th Land District of Fulton County, State of Georgia, and being more particularly described as follows:

BEGINNING at the northeast corner of North Avenue and Bonaventure Avenue; running thence north along the east side of Bonaventure Avenue fifty (50) feet; thence east one hundred seventy-five (175) feet; thence south fifty (50) feet to North Avenue; and thence west along the north side of North Avenue, one hundred seventy-five (175) feet to the point of beginning; being property known as No. 613 (formerly No. 23) Bonaventure Avenue, N.E., according to the present system of naming streets and numbering houses in the City of Atlanta, Georgia.

The above being the same property conveyed to the State Highway Department on December 30, 1970 by deed recorded in Deed Book 5327, page 664 in the Fulton County Deed records.

Z-00-30